

## UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

KATHLEEN LUCAS, et al.,

No. C 12-02644 LB

Plaintiffs,

v.

DAIHATSU MOTOR CO., LTD., et al.,

Defendants.

**ORDER RESCHEDULING HEARING  
ON DEFENDANT DAIHATSU'S  
MOTION TO DISMISS PLAINTIFF'S  
COMPLAINT AND DIRECTING  
SERVICE OF PROCESS**

Plaintiffs filed this lawsuit in San Francisco County Superior Court on March 5, 2012, and Defendant Daihatsu Motor Company, Ltd. ("Daihatsu"), removed the action to federal court on May 23, 2012. *See* Notice of Removal, ECF No. 1. Daihatsu appeared in the case and filed a motion to dismiss for insufficient service on May 30, 2012 that is set for a hearing on September 20, 2012. *See* 6/19/2012 Clerk's Notice (ECF entry only). Plaintiffs and Daihatsu have consented to this court's jurisdiction. *See* ECF Nos. 8 and 11. Defendant Toyota Motor Corporation ("Toyota") has not appeared, and the docket does not reflect that it has been served. The 120-day period to serve it expires on September 20, 2012. *See* Fed. R. Civ. P. 4(m), 81(c)(1).

Under the circumstances, the court vacates the September 20, 2012 hearing and re-sets it to October 4, 2012 at 11:00 a.m. Plaintiffs are directed to serve Defendant Toyota by September 20, 2012 and to file proof of service by September 24, 2012 or risk dismissal of Defendant Toyota under Federal Rule of Civil Procedure 4(m).

**IT IS SO ORDERED.**

1 Dated: September 16, 2012

  
LAUREL BEELER  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
For the Northern District of California

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ORDER  
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